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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/493,119      01/28/00      SHOWERS

D      5454

EXAMINER

MM91/0417

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TRUONG, B

ART UNIT

PAPER NUMBER

2875

DATE MAILED:

04/17/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/493,119		SHOWERS ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Bao Q. Truong		2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: The examiner could not find the "internal passageways 13" on page 8, line 23; the "end plugs 50" on page 9, line 7; the "internal bore 45" on page 15, line 16; Correction is required.

The applicant recites "fasteners 100" on page 10, line 31 and "connector 100" on page 12, lines 10 and 20. Are they the same? Correction is required?

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: The applicant recites number 220 on FIG 4. Where is the number "220" on specification. Correction is required.

### ***Specification***

3. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

### ***Claim Objections***

4. Claim 20 is objected to because of the following informalities: on line 4, what is "situ"? Appropriate correction is required.
5. Claims 21, 22, 24, 39 - 43 are objected to because the limitation "an integral moulded body" could not be found in drawings ?. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claim 6 recites the limitation "in said passageway" in line 3. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 12 recites the limitation "said semiconductor or LED" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1 - 6, 9, 10, 11, 13, 19, 27, 28, 38 and 41 - 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Vernondier [US 4,994,944].

Regarding claims 1 - 6 and 11, Vernondier discloses a linear lighting system including a tubular housing with a base channel strip [10] and a cover strip [11] and a

multiple lamps [60]. Wherein a cover strip [11] is an extruded translucent plastics element (figure 1, column 4, lines 15 - 40).

Regarding claims 9 and 10, Vernondier discloses a solid housing and a lighting compartment [17] (figure 1, column 4, lines 25 - 34).

Regarding claim 13, Vernondier discloses a pair of lateral flanges [41, 42] (figure 3, column 5, lines 1 - 14).

Regarding claim 19, Vernondier discloses a coupling element [110] (figures 15A-15E, column 6, lines 50 - 65).

Regarding claim 27, Vernondier discloses a linear light system for decoration (abstract).

Regarding claim 28, Vernondier discloses a decorative lighting system being at a corner (figure 5).

Regarding claim 38, Vernondier discloses a linear lighting system including a tubular housing with a base channel strip [10] and a cover strip [11] and multiple lamps [60]. Wherein a cover strip [11] is an extruded translucent plastics element (figure 1, column 4, lines 15 - 40). Furthermore, Vernondier discloses an engaging portion [51] (figure 5, column 5, lines 27 - 32).

Regarding claims 41 - 43, Vernondier discloses a coupling element [110] having a housing [111], an entry slot [115], connecting elements [117] and resilient forks [120] (figures 15A-15E, column 6, lines 51 - 68 and column 7, lines 1 - 14).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 7, 8, 12, 23 - 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vernondier [US 4,994,944] in view of JP 09258676.

Vernondier was discussed in the rejection claims 1 and 10 above. Vernondier discloses everything except for: LED devices and convex segment.

Regarding claim 7, JP 09258676 shows the use of LEDs [3] (figures 1 and 2, column 3, lines 21 -22).

Regarding claim 8, JP 09258676 shows the use of transparency convex cover [2] (figure 1, column 2, line 43).

Regarding claim 12, Vernondier discloses circuit boards [65] extending along an internal cavity of a tubular housing (column 5, lines 59 - 65 and figure 6, column 6, lines 24 - 26).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the LEDs and convex cover of JP 09258676 in the decorative lighting system of Vernondier for a strip lighting in order to provide a longer lifetime and better view.

Regarding claim 23, Vernondier discloses a coupling element [110] and connector element [120] (figures 15A-15E and 16A-16D, column 7, lines 1 - 62).

Regarding claims 24 - 26 and 41 - 43, Vernondier discloses a coupling element [110] having a housing [111], an entry slot [115], connecting elements [117] and resilient forks [120] (figures 15A-15E, column 6, lines 51 - 68 and column 7, lines 1 - 14).

12. Claims 14 - 18 and 32 - 37, are rejected under 35 U.S.C. 103(a) as being unpatentable over Vernondier [US 4,994,944] in view of Roossine et al. [US 4,482,944].

Vernondier was discussed in the rejection claims 1 and 13 above. Vernondier discloses everything except for: the mounting rail adapting to be fastened to the surface.

Regarding claims 32 - 36, Vernondier discloses a linear lighting system including a tubular housing with a base channel strip [10] and a cover strip [11] and a multiple lamps [60]. Wherein a cover strip [11] is an extruded translucent plastics element (figure 1, column 4, lines 15 - 40). Furthermore, Roossine et al. show the use of raceway [60] with a lip [68] and an indentation [82] (figures 1, 2, 3, column 5, lines 40 - 58).

Regarding claim 14, Roossine et al. show the use of raceway [60] with a lip [68] and an indentation [82] (figures 1, 2, 3, column 5, lines 40 - 58).

Regarding claims 15 and 33, Roossine et al. show the use of U-shape [62] overlying a raceway [60] (figure 3, column 5, lines 40 - 45).

Regarding claims 16 and 34, Roossine et al. show the use of sides [71] (figure 3, column 5, lines 45 - 52).

Regarding claims 17 and 35, Roossine et al. show the use of lip [68] (figure 3, column 5, lines 50 - 54).

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Regarding claims 18 and 36, Roossine et al. show the use of mounting bracket [86] (figure 3, column 5, lines 60 - 65).

Regarding claim 37, Vernondier discloses a coupling element [110] (figures 15A-15E, column 6, lines 50 - 65).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the raceway system of Roossine et al. in the decorative lighting system of Vernondier for a strip lighting in order to provide a rail mounting mean.

13. Claims 20 - 22 and 39 - 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vernondier [US 4,994,944] in view of Rouso et al. [US 5,765,938].

Vernondier was discussed in the rejection claims 1, 13 and 19 above. Vernondier discloses everything except for: the means to couple the housing to other similar housing.

Regarding claim 20, Rouso et al. show the use of a flexible core [16] for connecting a first housing to a second housing (figure 1, column 2, lines 53 - 60 and column 4, lines 5 - 40).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the flexible core of Rouso et al. in the decorative lighting system of Vernondier for a strip lighting in order to provide a flexibility of housing connection.



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Regarding claims 21 and 22, Vernondier discloses two longitudinally extending dividing walls [116], side wall of parts [112, 113] and recesses [119] (figure 15A - 15E, column 6, lines 51 - 68 and column 7, lines 1 - 12).

Regarding claims 39 and 40, Rousso et al. disclose a flexible core [16], a pair of longitudinally slots [47], contacts [36, 38, 42, 46], a sleeve [18] (figures 1 and 7, column 3, lines 1 - 68).

14. Claims 29 - 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vernondier [US 4,994,944] in view of Wood [US 5,404,279].

Vernondier was discussed in the rejection claims 1, 17 and 28 above. Vernondier discloses everything except for: the strip lighting structure being placed at edge of roof.

Regarding claims 29 - 31, Wood shows the use of a decorative light assembly being located at an edge of a roof (figure 1).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the decorative light assembly being located at an edge of a roof of Wood in the decorative lighting system of Vernondier for a strip lighting in order to provide a decoration style.

### ***Conclusion***

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Q. Truong whose telephone number is (703) 308-6452. The examiner can normally be reached on Monday-Friday (8:00 AM - 5:00 PM).


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (703) 035-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7725 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956.

Bao Q. Truong  
Examiner  
Art Unit 2875

BQT  
April 10, 2001



Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800